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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,795	08/21/2006	Stanslaw Edmund Golunski	JMYT-362US	2682
23122	7590	07/01/2008	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980				VANOY, TIMOTHY C
ART UNIT		PAPER NUMBER		
1793				
MAIL DATE		DELIVERY MODE		
07/01/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/567,795	GOLUNSKI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	TIMOTHY C. VANOV	1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 February 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 34-57 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 34,37,39 and 42-57 is/are allowed.  
 6) Claim(s) 38 is/are rejected.  
 7) Claim(s) 35,36,40 and 41 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 February 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>Feb. 9, 2006; May 6, 2008</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because non-initialed and non-dated alterations have been made to the last name of the inventor Andrea Hawkins in the oath or declaration filed on Aug. 21, 2006. See 37 CFR 1.52(c).

### ***Specification***

The specification is objected to because it lacks a brief description of the each of the Figures 10A - 10F, individually, in the brief description of the drawings.

### ***Claim Objections***

a) Claims 35, 36, 40 and 41 are objected to because they are drawn to an entirely different invention from independent claim 34 on which they depend. Dependent claims 35, 36, 40 and 41 are drawn to a "catalyst structure" while independent claim 34 is drawn to an "exhaust system".

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) In claim 38, the molar ratio "2.98M to 90:10M" is completely confusing (even in view of the definition of M).

#### ***Allowable Subject Matter***

The Applicants are claiming the combination of a lean NOx catalyst (which may be either silver or a silver compound supported on alumina or (alternatively) at least one metal selected from the group consisting of Cu, Fe, Co or Ce supported on a zeolite) and a partial oxidation catalyst (which may be a bulk oxide, a bulk composite oxide or a bulk mixed oxide comprising at least one metal selected from the group consisting of Mn, Fe, Ce and Pr) within an exhaust gas system for a lean-burn engine; a catalyst structure; an apparatus and also a method for reducing NOx.

While EP 1 033 161 B1 teaches the silver supported on alumina (please see claims 1 and 7), EP 1 033 161 B1 does not teach the partial oxidation catalyst (which may be a bulk oxide, a bulk composite oxide or a bulk mixed oxide comprising at least one metal selected from the group consisting of Mn, Fe, Ce and Pr).

While EP 0 577 438 A2 teaches the silver supported on alumina (please see claim 1), EP 1 033 161 B1 does not teach the partial oxidation catalyst (which may be a

bulk oxide, a bulk composite oxide or a bulk mixed oxide comprising at least one metal selected from the group consisting of Mn, Fe, Ce and Pr).

While EP 0 714 693 A1 teaches silver supported on an inorganic oxide (please see claim 1), EP 0 714 693 A1 does not teach the partial oxidation catalyst (which may be a bulk oxide, a bulk composite oxide or a bulk mixed oxide comprising at least one metal selected from the group consisting of Mn, Fe, Ce and Pr).

While U. S. Pat. 5,491,120 teaches the bulk ceria (please see the abstract), U. S. Pat. 5,491,120 does not teach the lean NO<sub>x</sub> catalyst (which may be either silver or a silver compound supported on alumina or (alternatively) at least one metal selected from the group consisting of Cu, Fe, Co or Ce supported on a zeolite). What U. S. Pat. 5,491,120 does teach is a second metal oxide catalyst which may be one or more of titania, zirconia, ceria-zirconia, silica, alumina-silica and alpha-alumina (please see the abstract).

Hence, none of the Applicants' claims have been rejected under either 35USC102 or 35USC103.

#### ***References Made of Record***

The following additional references from the examiner's search are made of record:

US 2007/0269353 A1 disclosing an emission treatment system with NSR and SCR catalysts;

US 2006,0156709 A1 disclosing a compression ignition engine with an exhaust system comprising a noble metal catalyst;

US 2006/0039843 A1 disclosing an emissions treatment system comprising a SCR catalyst and a NH<sub>3</sub> destruction catalyst (please see claim 1);

US 2005/0129601 A1 disclosing an emissions treatment system with a NSR and SCR catalysts;

US 2005/0101473 A1 disclosing a two-phase catalyst with one or more metals such as Cu, Co, Fe, Ag, and Mo supported on a molecular sieve along with a stabilizing oxide of one of more of Zr, Mo, V, Nb or the rare earths (please see the abstract), and

U. S. Pat. 5,491,120 disclosing the use of a bulk ceria-containing catalyst for purifying exhaust gas.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY C. VANOVY whose telephone number is (571)272-8158. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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